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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/900,278

07/06/2001

Magdy A. Eletreby

265/248

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01/26/2006

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EXAMINER

GILLIGAN, CHRISTOPHER L

ART UNIT

PAPER NUMBER

3626

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

09/900,278

Applicant(s)

ELETREBY ET AL.

Examiner

Luke Gilligan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 49-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 49-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. In the amendment filed 11/14/05, the following has occurred: claims 25-48 have been canceled and claims 49-50 have been amended. Now, claims 49-53 are presented for examination.
2. The rejections under 35 USC 112 have been withdrawn by the Examiner based on changes made by Applicants to the claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 49-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schrier et al., U.S. Patent No. 6,317,719 in view of Bloom et al., U.S. Patent No. 6,070,761.
5. As per claim 49, Schrier teaches a method of managing the pharmaceutical care of a patient using one or more software-accessible databases comprising the steps of: updating a patient database with a drug therapy regimen for the patient, the drug therapy regimen comprising an identification of each drug prescribed to the patient, a frequency per day for each drug, and a daily dosage for each drug (see column 14, lines 15-20); updating the patient database with patient data, the patient data comprising any disease states and allergies for the patient (see column 6, lines 4-11); querying a clinical database with the drug therapy regimen and patient data, wherein the querying step further comprises identifying: (a) allergies the patient has for any of the prescribed drugs (see column 3, lines 39-46); (b) drug-drug interactions for any of the prescribed drugs (see column 3, lines 39-46); (c) dosage irregularities

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(see column 3, lines 39-46); (d) drug-disease contraindications (see column 3, lines 39-46); (g) adverse drug reactions (see column 3, lines 39-46); and (h) untreated disease states (see column 8, lines 36-40); and generating a report based on the querying step (see column 3, lines 41-48).

6. Schrier does not explicitly teach identifying therapeutic duplications or drugs in the drug therapy regimen without a medical indication. Bloom teaches an automated medication management system that includes the functions of identifying therapeutic duplications and drugs in the drug therapy regimen without a medical indication (see column 11, lines 10-33). It would have been obvious to one of ordinary skill in the art at the time of the invention to add such functionality to the existing drug-patient analysis element of Schrier. One of ordinary skill in the art would have been motivated to add such functionality for the purpose of enhancing relevant knowledge provided to physicians for making treatment determinations (see column 1, lines 51-54 of Schrier).

7. As per claim 50, Schrier in view of Bloom teach the method of claim 49 as described above. Schrier further teaches the querying step identifies the following additional information for each patient: (i) information regarding use or efficacy of any of the prescribed drugs (see column 3, lines 46-48); and (j) information regarding patient compliance (see column 6, lines 4-10).

8. As per claim 51, Schrier in view of Bloom teach the method of claim 50 as described above. Schrier further teaches the querying step identifies the following additional information for each patient: (k) information regarding an assessment of the educational needs of the patient (see column 6, lines 33-35, the Examiner considers patient age to be indicative of educational needs); (l) information regarding the financial circumstances of the patient (see column 10, lines 45-48).

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9. As per claim 52, Schrier in view of Bloom teach the method of claim 49 as described above. Schrier further teaches the drug therapy regimen for the patient comprises a plurality of drugs prescribed by more than one physician (see column 7, line 56 – column 8, line 3).

10. As per claim 53, Schrier in view of Bloom teach the method of claim 49 as described above. Schrier further teaches modifying the drug therapy regimen based on the report (see column 7, line 64 – column 8, line 3).

Response to Arguments

11. In the remarks filed 11/14/05, Applicants argue in substance that (1) the claims as amended overcome the 35 USC 112 rejection; and (2) the claims as amended distinguish over Mayaud.

12. In response to Applicants' argument (1), the Examiner agrees and, accordingly, as withdrawn the rejections under 35 USC 112.

13. In response to Applicants' argument (2), it is respectfully submitted the Examiner has now relied upon a new grounds of rejection as detailed above. Therefore, this argument is now moot in view of the new grounds of rejection.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

15. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after


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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke Gilligan whose telephone number is (571) 272-6770. The examiner can normally be reached on Monday-Friday 8am-5:30pm.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


CLG
1/20/06


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER